

**State of California, State Water Resources Control Board**

**Division of Water Rights**

**P.O. Box 2000, Sacramento, CA 95812-2000**

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

**S005243**

**2005, 2006, 2007**

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM**

**Owner(s) of Record:**

L S CUNEO

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2008

**Primary Contact:**

L S CUNEO

PO BOX 18

HERNE, TX 77859

**Agent:**

Address:

Phone No. 209-223-1718

Fax No.

E-mail Address:

Phone No.

Fax No.

E-mail Address:

*not by Sutter?*

**Source Name:** SUTTER CREEK

**Tributary To:**

**County:** Amador

**Diversion within:** NE 1/4 of SW 1/4 Section 4, T 6 N, R 11 E, MDB&M

**Year of First Use:** 1914

**Name of Diversion works:**

**Assessor Parcel Number  
of the Diversion site:**

A. **Water is Used Under:** Riparian claim \_\_\_ Pre-1914 claim \_\_\_ Court Decree No.: \_\_\_ Other (explain): \_\_\_

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewrims)) \_\_\_

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:  
Gallons per minute (gpm) \_\_\_ Gallons per day (gpd) \_\_\_ Cubic feet per second (cfs) \_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2005													
2006													
2007													

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:  
Gallons \_\_\_ Million Gallons (MG) \_\_\_ Acre-feet (AF) \_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2005													
2006													
2007													

E. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_ acres; Stockwatering \_\_\_; Domestic \_\_\_;  
Other (specify) \_\_\_\_\_

Parcel Number(s) of Place of Use: \_\_\_\_\_

F. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.)

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES \_\_\_ NO \_\_\_  
Describe any water conservation efforts you have initiated: \_\_\_\_\_

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year \_\_\_ (AF/MG) Year \_\_\_ (AF/MG) Year \_\_\_ (AF/MG)

Reduction in consumptive use:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO \_\_\_\_\_.

b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_\_ NO \_\_\_\_\_.

3. Conjunctive use of surface water and groundwater

a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO \_\_\_\_\_.

b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_\_ NO \_\_\_\_\_.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_  
(first name) (middle initial) (last name)

COMPANY NAME: \_\_\_\_\_

ITEM \_\_\_\_\_ If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.  
CONTINUATION


GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

## STATE WATER RESOURCES CONTROL BOARD

## DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-1875

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 005243

L. S. CUNEO  
BOX 186  
SUTTER CREEK, CA 95685TELEPHONE NUMBER:  
(209) 223-1718

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: SUTTER CREEK

TRIBUTARY TO: DRY CREEK

COUNTY: AMADOR

YEAR OF FIRST USE: 1914

## DIVERSION

WITHIN: NE1/4 OF SW1/4 SECTION 04, T06N, R11E, MDB&amp;M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

- A. Water is used under: Riparian claim 1914; Pre 1914 right \_\_\_\_\_; Other (explain) Before 1914 for livestock
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☒ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_  
livestock

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	DAY OF WATER RIGHTS SACRAMENTO	TOTAL ANNUAL
1991	dry year				100 gal	110 gal	120 gal	110 gal	80 gal	40 gal				JUN 29 AM 6:24
1992	dry year worse				50 gal	70 gal	60 gal	40 gal						
1993	wet year				110 gal	130 gal	150 gal	160 gal	140 gal	100 gal				

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation \_\_\_\_\_ acres; Stockwatering 35 head; Domestic \_\_\_\_\_  
Other (specify) \_\_\_\_\_

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

We stopped diverting & pumping water in 1960  
Sutter Creek ran all summer then but now with all  
the water permits issued, dams built & wells dug it  
drys up every summer.

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None reclaimed  
Some polluted water from numerous septic tank  
systems & houses allowed along Sutter Creek

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 6/27/ 1994, at Sutter Creek, Ca-95685, CaliforniaSignature: L. S. Cuneo

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"Statements of Water Diversion and Use"  
"Information Pertaining to Water Rights in California"  
"Water Rights for Stockpounds Constructed Prior to 1969"  
"Appropriation of Water in California"